



**OGLETREE, DEAKINS, NASH,  
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May 16, 2018

**VIA EMAIL**

Laurie E. Morrison, Esq.  
Law Offices of Laurie E. Morrison  
100 Church Street, 8th Floor  
New York, NY 10007

RE: Ciera Washington v. Walgreens, et al.  
17-cv-2393 (JMF)

Dear Laurie:

As you know, we represent Defendants Walgreen Co., Duane Reade Inc., Duane Reade International, LLC, Germaine Allen, and Vivian Ghobrial (collectively, "Defendants") in the above case. In advance of the close of discovery, we write to address the following issues relating to Plaintiff's deposition.

**Post-Deposition Documents**

During Plaintiff's deposition, the undersigned reiterated a request – which is covered by Defendants' Document Request No. 67 – for Plaintiff to produce all documents relating to her income from Throgs Neck Urgent Medical Care ("Throgs Neck"). Please provide such documents or, in the alternative, Defendants are willing to stipulate that Plaintiff's alleged lost wages are cut off as of Plaintiff's first day of employment at Throgs Neck.

Plaintiff testified that she received from Throgs Neck a corrected offer letter, job description, and wage notice with her correct job title. Please produce such documents.

Plaintiff also testified that medical records from Montifiore indicated that she suffered a miscarriage as a result of stress caused by Defendants, and that such documentation might include her discharge papers. Please produce any documents from Montifiore in Plaintiff's possession or control. In the alternative, please confirm that Plaintiff is not aware of the existence of any documents from Montifiore other than those that Defendants obtained in response to their third-party subpoena, bearing Bates Nos. DR 591-774.

Defendants reserve the right to seek the production of additional documents pending their receipt and review of the transcript from Plaintiff's deposition.

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Fees and Costs Relating to Plaintiff's Cancelled Deposition

In accordance with the Court's Order dated May 4, 2018, Defendants provide herein a statement "for all of their fees and costs associated with the aborted depositions on April 24 and 25, 2018, including the fees involved in preparing Defendants' letter of April 25, 2018." (Dkt. 113.) As directed by Judge Furman, Defendants have omitted their "fees and costs associated with preparing for the deposition itself." (*Id.*)

Please note that the rates described below of \$395/hour for the undersigned, and \$190/hour for paralegal Alayna Shannon, reflect discounts from my firm's standard rates. These reasonable rates are commonly approved in the Southern District of New York. *E.g.*, *Shabazz v. City of N.Y.*, No. 14-CV-6417 (GHW), 2015 WL 7779267, at \*3 (S.D.N.Y. Dec. 2, 2015) ("Courts in this district have generally determined that the range of appropriate fees for experienced civil rights litigators is between \$350 and \$450 per hour"); *Dancy v. McGinley*, 141 F. Supp. 3d 231, 238 (S.D.N.Y. 2015) ("[I]t seems clear that, for experienced attorneys, hourly rates of \$300-400 are unremarkable in civil rights cases in the Southern District."); *Duran-Peralta v. Luna*, 2018 WL 1801297, at \*3 (S.D.N.Y. Apr. 2, 2018) ("Courts in this District typically award rates not to exceed \$200 per hour for paralegals.").

**Costs for Plaintiff's Non-Appearance on April 24 and 25, 2018**

<b>Date</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
4/24/2018	Esquire Deposition Solutions	Cancellation fee for no appearance	\$95.00
4/24/2018	Esquire Deposition Solutions	Costs for Statement on the Record (minimum transcript fee)	\$135.00
4/25/2018	Esquire Deposition Solutions	Cancellation fee for no appearance	\$95.00
4/25/2018	Esquire Deposition Solutions	Costs for Statement on the Record (minimum transcript fee)	\$135.00
<b>Total Costs:</b>			<b>\$460.00</b>

**Fees for Plaintiff's Non-Appearance on April 24 and 25, 2018**

<b>Date</b>	<b>Timekeeper/Title</b>	<b>Narrative</b>	<b>Hours</b>	<b>Amount</b>
4/23/2018	Aaron Warshaw, Attorney	Emails with Laurie Morrison regarding Plaintiff's last-minute unavailability to be deposed until 1:30pm.	.30	\$118.50
4/23/2018	Aaron Warshaw, Attorney	Emails with David Metz regarding Plaintiff's last-minute unavailability to be deposed until 1:30 pm.	.20	\$79.00
4/24/2018	Aaron Warshaw, Attorney	Attention to Court order in response to Plaintiff's unavailability to be deposed until 1:30pm, including communications with David Metz regarding same.	.30	\$118.50
4/24/2018	Aaron Warshaw, Attorney	Draft letter to Court regarding Plaintiff's non-availability to be deposed until 1:30pm.	.90	\$355.50
4/24/2018	Aaron Warshaw, Attorney	Attention to Plaintiff's failure to attend her deposition, including	1.50	\$592.50

Laurie E. Morrison, Esq.

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Date	Timekeeper/Title	Narrative	Hours	Amount
		numerous emails and telephone conferences with David Metz, telephone conferences with Laurie Morrison, and statements made on the record to reflect same.		
4/24/2018	Alayna Shannon, Paralegal	Edit and finalize letter to Judge Furman responding to Plaintiff's Letter Motion regarding her scheduling of Plaintiff's deposition.	.50	\$95.00
4/25/2018	Aaron Warshaw, Attorney	Communications with David Metz regarding Plaintiff's "no show" at her deposition.	.30	\$118.50
4/25/2018	Aaron Warshaw, Attorney	Communications with Plaintiff's counsel Laurie Morrison regarding Plaintiff's "no show" at her deposition.	.30	\$118.50
4/25/2018	Aaron Warshaw, Attorney	Attention to Plaintiff's "no show" at her deposition, including statements made on the record to reflect same.	.50	\$197.50
4/25/2018	Aaron Warshaw, Attorney	Draft letter to Court regarding Plaintiff's failure to appear at her deposition.	.80	\$316.00
4/25/2018	Aaron Warshaw, Attorney	Review and compile communications with Laurie Morrison for use in letter to Court regarding Plaintiff's failure to appear at her deposition.	.50	\$197.50
4/25/2018	Aaron Warshaw, Attorney	Emails with Laurie Morrison regarding letter to Court regarding Plaintiff's failure to appear at her deposition.	.30	\$118.50
<b>Total Fees:</b>				<b>\$2,425.50</b>

In accordance with Judge Furman's May 4th order, no later than noon on May 18, 2018, please indicate Plaintiff's agreement to pay the above-described sums. Should Plaintiff not agree to do so, then Defendants will submit the foregoing to the Court for determination. Defendants reserve the right to seek fees associated with such an application, should it become necessary.

Please contact me if you would like to discuss further.

Sincerely,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

By /s Aaron Warshaw

Aaron Warshaw

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